



April 1, 2004

**Subject: The Land Development Ordinance Committee**

The Land Development Ordinance Committee met Thursday, April 1, 2004 in the Council Chamber at City Hall to discuss rewriting Salisbury's ordinance code. In attendance were Karen Alexander, Gus Andrews, Bill Burgin, George Busby, Ronald Fleming, Mark Lewis, Edward Norvell, Rodney Queen, Jeff Smith, Bill Wagoner, Victor Wallace, Dee Dee Wright, Craig Lewis (The Lawrence Group),

**Staff Present** – Matt Bernhardt, Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, Harold Poole, Patrick Ritchie, John Vest, Steve Weatherford

The meeting was called to order, with Bill Burgin presiding. The minutes from the March 18 meeting were accepted. Members had received chapters 16, 17 and 18 a month ago; staff will update these chapters and distribute them prior to the April 15 meeting. There was a quick review of what was covered during the last meeting.

Today's discussion:

Craig Lewis began with an outline

**STAFF**

- Signs
- Minor Site Plans (SF)
  - Small commercial
- Construction Documents
- Final Plans/Plats

**TRC**

- Master Plans (Preliminary Plats)
- Major Site Plans
- Major Subdivisions

**PLANNING BOARD**

- Advisory role to legislative decisions
- Rezoning
- Conditional Districts
- Text Amendments
- Planning Policies
- Special Use Permits?

## **ZBA**

- Variances
- Appeals (from Admin. & TRC)
- Special Use Permits?

## **CITY COUNCIL**

- Legislative decisions
  - Special Use Permits?
  - Public input at City Council level?
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- Would TRC be comprised of staff only? No.
  - There was a discussion about TRC - Public Meeting page 16-4 (Chapter 16). Everyone agreed that there was no question – zoning will be public.
  - TRC should include a member of the Planning Board and City Council. Each member could be assigned a month to attend TRC. By including an elected official the process is more democratic and the people will feel they are represented. The representative should have a vote. What constitutes a legitimate meeting (quorum) will be defined by the next meeting of this committee.
  - To expedite the approval process TRC should meet twice a month.
  - When dealing with non-conforming issues, such as set backs, in the case of infill development, where structures are already in place and may be nonconforming by today's standards (ie, historic districts), the rule is to "look left and look right."
  - Definition of Special Use Permit.  
"Due Process" issues concern Craig Lewis. There was much discussion about Quasi Judicial vs. Legislative process. How could *Special Use* be handled in a legislative process? Who makes the ultimate decision – ZBA, Planning Board, or City Council? Would using the term "Conditional District" make a difference? Mr. Lewis will consult with an attorney about these questions and report back.

**The next committee meeting will be April 15, 2004 at 4:30 p.m. in the City Council Chamber at City Hall.**

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